



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, TUESDAY, FEBRUARY 11, 2020

No. 28

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open and all desires known, we put our trust in You.

Today, abide with our lawmakers. Teach them to speak the right words at the right time. Make their speech like precious gold set in silver. May they seek to persuade with patient and gentle words. Lord, give them the wisdom to be friends of that which is eternal and abiding. Fill them with reverence for the transcendent as You induce them to ascribe all good things to You.

We pray in Your gracious Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Madam President, our colleague Senator MARTHA MCSALLY, of Arizona, announced her support yesterday for the bipartisan Prescription Drug Pricing Reduction Act. I like to refer to it as the Grassley-Wyden prescription drug bill, reducing prices. Senator MCSALLY and I

worked together on several parts of the bill. Her Arizonans should know that Senator MCSALLY's leadership is making all the difference in moving this bill forward. I thank her for her co-sponsorship.

President Trump, Vice President PENCE, and nearly a dozen Senate Republicans have, so far, endorsed this bill. Several other Senate Republicans will soon announce their support as well. I expect to introduce an updated version in the coming weeks.

I am confident that, if this bill were to be brought up for a vote, it would pass overwhelmingly. Let's not miss an opportunity then to deliver real progress for Americans. This always shows up—in other words, drug pricing legislation—as one of the three, four, or five top issues of the upcoming election.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### BUSINESS BEFORE THE SENATE

Mr. MCCONNELL. Madam President, with the impeachment trial behind us, the Senate can now get back to the business of the American people.

As the President laid out in his bold speech last Tuesday, the state of our Union is strong. Over the past 3 years, a combination of major Republican policy victories and important bipartisan achievements have helped to cre-

ate a historic economic moment for working Americans and middle-class families.

Unemployment remains right around its lowest point in half a century. The percentage of Americans aged 25 to 54 who have jobs is the highest it has been in 20 years. The market for American workers is hot, and it is pulling people off of the sidelines. As the New York Times recently explained, "Employers are hiring candidates with disabilities, criminal records and other barriers to employment, and are offering perks to attract workers." No wonder the percentage of Americans who say they are financially better off now than they were a year ago just hit a 44-year high.

We have finally seen a drop in opioid deaths. In my home State of Kentucky, we recently saw the largest decrease in fatal drug overdoses in a decade. We are rebuilding and modernizing the world's greatest military, and we are continuing to renew our Federal judiciary with thoroughly qualified men and women who understand that a judge's job is to interpret our laws and our Constitution as they were actually written.

There is plenty more for the Senate to do to keep up this momentum for the American people, so we are glad to get back to business.

We will start this week by confirming more of President Trump's well-qualified nominees to lifetime judicial appointments. The first up is Judge Andrew Brasher, of Alabama, to serve on the Eleventh Circuit. Judge Brasher currently serves on the U.S. District Court for the Middle District of Alabama. He is a Harvard Law graduate who previously clerked on the Eleventh Circuit, excelled in private practice, and found his way into public service as solicitor general for his home State. In that role, he was recognized by the National Association of Attorneys General for his legal writing, and his nomination earned a unanimous "well-qualified" rating from the ABA.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S971

I look forward to confirming Judge Brasher to his next post this afternoon.

#### WAR POWERS RESOLUTION

Mr. MCCONNELL. Madam President, on another matter, this week, we expect the Senate will take up a War Powers Resolution by the junior Senator from Virginia that would severely limit the U.S. military's operational flexibility to defend itself against threats posed by Iran. I will strongly oppose our colleague's effort and urge the Senate to defeat it.

First, let's discuss what prompted this: the President's successful decision to remove Soleimani from the battlefield last month. This limited yet decisive precision strike eliminated the terrorist mastermind who had been responsible for more American military casualties than anyone else alive.

This was not some reckless act. It was a calculated and limited response to a significant, growing threat of attack against U.S. personnel in Iraq by an emboldened adversary. Years ago, Soleimani had concluded America was a paper tiger whose people he could kill with relative impunity. It was a strike designed to stop an escalation cycle we all knew was underway and to restore deterrence and reduce the risk of war.

Yet, when Soleimani's record of brutality was brought to an end, some Washington Democrats immediately suggested President Trump was leading us into World War III. While the Middle East masses rejoiced at the death of a principal architect of Iran's campaign of terror, the Washington elites fretted.

Yet, thus far, it appears the Soleimani strike has, indeed, had the intended effect. As I observed back in January, "We appear to have restored a measure of deterrence in the Middle East. So let's not screw it up." Well, I am afraid that is just what our colleague's resolution would do. Just as we have successfully sent Iran the strong signal of our strength and resolve, a blunt and clumsy War Powers Resolution would tie our own hands.

With China's and Russia's watching, is it really a good idea to suggest that we are willing to let a meddling power like Iran push us around? This self-flagellation and self-limitation would be tantamount to snatching defeat from the jaws of victory.

For 8 years, President Obama and Senate Democrats, like my friend the Democratic leader himself, frequently said that, when it comes to Iran, we should never take the military option off the table. Yet, now that someone else is in the Oval Office, they seem to want to remove all options from the table. Lest we forget, the fact is that we are not conducting ongoing hostilities with Iran. This was a one-off operation to disrupt and deter planned attacks—not a campaign, not a conflict, not a war.

This discrete and limited exercise of American power pales in comparison to

the ways in which past Presidents of both parties have routinely used Presidential authorities to utilize our military might without their having the prior consent of Congress—President Clinton in Kosovo, President Obama in Libya, and so on.

Do most of my distinguished Democratic colleagues really agree with several of their party's leading Presidential candidates who have suggested President Trump made a mistake by taking this sort of Executive action to eliminate this brutal terrorist?

Do my colleagues really agree with the prominent voices on their side who have proposed to exit the Middle East altogether rather than to continue to work to support our local partners and defend our national security and national interests in this critical region?

I have been trying to have this broader debate for more than a year now. I have repeatedly sought to give my Democratic colleagues the opportunity to go on record about their actual, big-picture strategic vision for the Middle East.

Are they willing to support a continued military presence in Syria? in Iraq? Do they believe we can magically support our partners, like the Kurds, without having a military presence; that we can counter Iranian and Russian influence if we are nowhere to be found in the region? Do they believe Israel will be safer in a region without American influence?

Ill-conceived potshots at Presidential authorities—in the wake of a strike that succeeded—by using the blunt instrument of a War Powers Resolution is no substitute at all for answering these broader questions.

I will oppose my colleague's resolution tomorrow, and I encourage our colleagues to do likewise.

#### MEASURE PLACED ON THE CALENDAR—H.R. 5687

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The leader is correct.

The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5687) making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### ELECTION SECURITY

Mr. SCHUMER. Madam President, the 2020 primary elections are ongoing. The national election is only 9 months away. If there is anything we can say for certain about our elections at this point, it is that foreign entities—Putin, China, perhaps others—are already implementing their schemes to undermine the public confidence and the integrity of those elections and to bend social media in favor of their chosen outcome. FBI Director Wray, former DNI Coats—virtually every member of our national security and intelligence community has warned us of this danger.

As we have heard over the past weeks, the threat of foreign interference in our election dates back to the founding days of the country. George Washington warned that foreign interference is one of the most baneful foes of republican government. Adams wrote that as long as elections happen, the danger of foreign influence recurs.

The warnings of our Founders hold a new and startling relevance today. The current President of the United States, far from having the same fears about foreign interference as our Founders, has been very public about his openness to foreign assistance and manipulation in support of his election. If a foreign power had dirt on one of his opponents, the President said, "I think I'd want to hear it." At different times, the President has invited Russia, Ukraine, and China to investigate his political opponents.

Of course the President was just impeached over this issue, and the Senate just concluded a trial in which it appeared a bipartisan majority of Senators broadly accepted the fact that the President leveraged hundreds of millions of dollars of military assistance to Ukraine to compel its government to investigate one of his political rivals.

The trial of President Trump exposed in great detail the President's willingness to accept foreign help in the elections. It also revealed just how little Senate Republicans were willing to do about it. Senate Republicans wouldn't even fairly examine the charges against the President by allowing witnesses and documents in his trial.

The end of the President's impeachment trial does not mean that the end of the issue of election security is somehow over—far from it. We now have even a greater need to safeguard our elections than we had before.

The President tried to cheat in our elections, and the Senate majority of